

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2021

Lyle W. Cayce
Clerk

No. 20-50444

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

OCHUKO SYLVESTER ERUOTOR,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:19-CV-743
USDC No. 1:16-CR-347-3

Before DENNIS, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

Ochuko Sylvester Eruotor, federal prisoner # 98555-380, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion challenging his guilty plea conviction and sentence for conspiracy to commit money laundering in violation of 18 U.S.C. § 1956. He argues that his trial counsel rendered ineffective assistance by failing to challenge the sophisticated laundering enhancement, the aggravating role enhancement, and the calculation of the loss amount. He additionally argues

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that he is entitled to relief based on the cumulative effect of the errors of counsel.

To obtain a COA, Eruotor must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To satisfy that burden, he must show that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that the issues he presents “are adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Eruotor has not made the requisite showing. Thus, his COA motion is DENIED.

Because Eruotor fails to make the required showing for a COA on his constitutional claims, we do not consider his assertion that the district court erred by denying his request for an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020), *petition for cert. filed* (U.S. Mar. 18, 2021) (No. 20-7553).



Certified as a true copy and issued
as the mandate on Jun 14, 2021

Attest: *Jyle W. Canyca*
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 14, 2021

Ms. Jeannette Clack
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

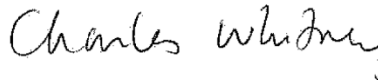
No. 20-50444 USA v. Eruotor
USDC No. 1:19-CV-743

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Charles B. Whitney, Deputy Clerk
504-310-7679

cc:

Mr. Ochuko Sylvester Eruotor
Mr. Joseph H. Gay Jr.